

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: NATIONAL FOOTBALL
LEAGUE PLAYERS' CONCUSSION
INJURY LITIGATION

No. 2:12-md-02323-AB

MDL No. 2323

Kevin Turner and Shawn Wooden,
*on behalf of themselves and
others similarly situated,*
Plaintiffs,

v.

Civ. Action No.: 14-cv-00029-AB

National Football League and
NFL Properties, LLC,
successor-in-interest to
NFL Properties, Inc.,
Defendants.

THIS DOCUMENT RELATES TO:
ALL ACTIONS

**JOINT APPLICATION BY CO-LEAD CLASS COUNSEL AND COUNSEL FOR
THE NATIONAL FOOTBALL LEAGUE AND NFL PROPERTIES LLC FOR
APPOINTMENT OF TWO APPEALS ADVISORY PANEL MEMBERS AND
REMOVAL OF ONE APPEALS ADVISORY PANEL MEMBER**

Co-Lead Class Counsel and Counsel for the National Football League and NFL Properties LLC ("Counsel for the NFL Parties") hereby recommend for appointment by the Court two members of the Appeals Advisory Panel (the "AAP") and for the removal of one current AAP member.

The Settlement Agreement creates a panel of experts for the Settlement Program, the AAP. The AAP was originally contemplated to be composed of five (5) board-certified neurologists, board-certified neuro-surgeons, and/or other board-certified neuro-specialist

physicians that are agreed to and jointly recommended by Co-Lead Class Counsel and Counsel for the NFL Parties, and appointed by the Court.

A member of the Appeals Advisory Panel will, among other things: (1) review certain Qualifying Diagnoses made prior to the Effective Date of the Settlement Agreement, pursuant to Section 6.4 of the Settlement Agreement; (2) review and decide whether a Retired NFL Football Player has a given level of Neurocognitive Impairment when the Qualified BAP Providers who examined the Retired NFL Football Player are not in agreement and the BAP Administrator elects, in its discretion, to refer the matter pursuant to Section 5.13 of the Settlement Agreement; and (3) be available to advise the Court or the Special Masters with respect to medical aspects of the Class Action Settlement.

On April 14, 2017, Co-Lead Class Counsel and Counsel for the NFL Parties submitted their Application for Appointment of the Appeals Advisory Panel and Appeals Advisory Panel Consultants (D.E. 7479). On May 4, 2017, the Court Appointed the AAP and Appeals Advisory Panel Consultants (D.E. 7603). The AAP members are Dr. James Brewer, Dr. David Geldmacher, Dr. Stephan Mayer, Dr. Aaron McMurtray and Dr. Rhonna Shatz.

In consultation with the Claims Administrator, Co-Lead Class Counsel and Counsel for the NFL Parties have determined that one of the AAP members, Dr. Mayer, should be replaced¹ and that at least one additional AAP member is appropriate given the demands

¹ The replacement of an AAP member may be made by joint motion by Co-Lead Class Counsel and Counsel for the NFL Parties or for cause by motion by either Co-Lead Class Counsel or Counsel for the NFL Parties. *See* Settlement Agreement § 9.8(a)(4). Co-Lead Class Counsel and Counsel for the NFL Parties agree to the replacement of Dr. Mayer.

on the time of the AAP in the implementation and on-gong administration of the Settlement.

Accordingly, having jointly identified and consulted with numerous additional candidates for the AAP, Co-Lead Class Counsel and Counsel for the NFL Parties recommend for appointment Dr. Brian Ott and Dr. Mary Quiceno. Dr. Ott is the Director of the Alzheimer's Disease and Memory Disorders Center at Rhode Island Hospital and Professor of Neurology at the Warren Alpert Medical School of Brown University, and among other distinctions, serves on the editorial board for Alzheimer's & Dementia: Diagnosis, Assessment and Disease Monitoring, on the Steering Committee of the Alzheimer's Disease Cooperative Study, and on the Executive Committee for the Rhode Island State Plan for Alzheimer's Disease.

Dr. Quiceno will soon begin her tenure as Associate Professor of Neurology in the Department of Internal Medicine, Center for Geriatrics at University of North Texas Health Science Center after completing over 11 years of service as an Associate Professor of Neurology at the University of Texas Southwestern Medical Center where she also served as the Director of the Cognitive and Memory Disorders Clinic and the inaugural Director of the United Council on Neurologic Subspecialties Fellowship for Behavioral Neurology & Dementia, and as the Co-Director for the Combined Psychiatry & Neurology Residency Program. The current curriculum vitae for each of the recommended candidates for the AAP are attached hereto as Exhibit "A" (Dr. Ott) and Exhibit "B" (Dr. Quiceno).

Based on the conversations the Parties have had with these two candidates and consideration of their qualifications, including their professional and academic education, training and experience, Co-Lead Class Counsel and Counsel for the NFL Parties

respectfully request that the Court appoint Drs. Ott and Quiceno to serve on the AAP. Based on their discussions with the Claims Administrator and consideration of the needs of the Settlement, Co-Lead Class Counsel and Counsel for the NFL Parties respectfully request that the Court approve the removal of Dr. Mayer from the AAP.

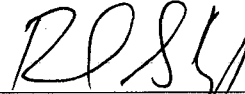
It is so STIPULATED AND AGREED,

By:  _____

Date: 2/27/2018

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Co-Lead Class Counsel

By:  _____

Date: 2/27/18

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Counsel for the NFL Parties

It is so **ORDERED**, this ____ day of _____, 2018, that the recommended candidates for the AAP are **APPROVED** and Dr. Stephan Mayer is removed from the AAP.

ANITA B. BRODY, J.

Copies **VIA ECF** on _____ to:

Copies **MAILED** on _____ to: